IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1067 OF 2003

IN

SUM. SUIT NO. 2254 OF 2003

Radhakrishna Shetty .. Plaintiff

vs.

Rickky Velladares .. Defendant.

Ms. Kalpana Tawde for the plaintiff.

Mr. K.R. Iyengar for defendant.

CORAM : S.U.KAMDAR, J.

DATE : 24th August, 2005.

P.C.

. The suit is based on promissory note of Rs. 1 lac. Notice was issued on 10.1.2003. There is no reply to the said notice. The only defence raised in the present suit by way of reply is that the promissory note has been executed in blank and secondly that he has not received the money. Neither of the defence can be accepted because the consideration in the negotiable instrument is presumed under the Act. Secondly the execution of the promissory note is not disputed. However, with a view to give an opportunity to the defendant to

defend the suit I direct the defendant to deposit a sum of Rs. 2 lacs within a period of four weeks from today filing which the plaintiff will be entitled to decree. The Prothonotary and Senior Master is directed to deposit the said amount in a fixed deposit with any nationalised Bank initially for a period of one year and renew the same from time to time till further orders.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.